

FROM :

DEC. 22, 2004 2:03PM

PHONE NO. : BROWDY AND NEIMARK

Dec. 22 2004 04:52PM P1
I.P.T. 1690

JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Herbert WOLF

Application No.: 10/635,905

Filed: August 7, 2003

For: EXTENSION SPRING STRUT (AS PREVIOUSLY AMENDED)



Art Unit: 3883

Examiner: Douglas C. BUTLER

Confirmation No. 7837

Atty.'s Docket: WOLF=13

Washington, D.C.

Date: December 22, 2004

Mail Stop Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a [] Amendment [] SUPPLEMENTAL RESPONSE

in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 CFR §1.27.

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[] No additional fee is required.

[] The fee has been calculated as shown below.

(Col. 1)	(Col. 2)	(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL 17	MINUS - 20	0
INDEP. 3	MINUS --- 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 43	\$		x 88	\$
+ 145	\$		+ 290	\$
ADDITIONAL FEE TOTAL			TOTAL	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid for" in THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid for" in THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

[] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 65.00
- [] Second - \$ 210.00
- [] Third - \$ 475.00
- [] Fourth - \$ 740.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____

[] Credit Card Payment Form, PTO-2035, is attached, authorizing payment in the amount of \$_____

[] A check in the amount of \$_____ is attached (check no.).

[] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

Other Than Small Entity

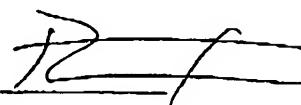
Response Filed Within

- [] First - \$ 110.00
- [] Second - \$ 420.00
- [] Third - \$ 950.00
- [] Fourth - \$ 1480.00

Month After Time Period Set

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By: 
Norman J. Letterk
Registration No. 19,962

Facsimile: (202) 737-3528
Telephone: (202) 628-5197



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WOLF=13

In re Application of:)	Art Unit: 3683
)	
Herbert WOLF)	Examiner: Douglas C. BUTLER
)	
Appln. No.: 10/635,905)	Washington, D.C.
)	
Date Filed: August 7, 2003)	Confirmation No.: 7837
)	
For: EXTENSION SPRING STRUT (AS PREVIOUSLY AMENDED))	December 22, 2004
)	

SUPPLEMENTAL RESPONSE

Mail Stop **Amendment**
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Response is made solely to complete the substance of the September 20, 2004 interview as required by the Examiner. No amendments to the claims have been made beyond those submitted with Applicant's December 20, 2004 response.

After a careful review of claim 1 and the prior art rejection, the undersigned felt it necessary to call Examiner Pezzlo because the rejection not only misnumbered the elements of Peddinghaus relied on but explained them in an unintelligible manner making whatever response we decided to pursue difficult.

When we were unable to contact Examiner Pezzlo, we called his supervisor, Mr. Jack W. Lavinder, on September 17,

DM:

DEC. 22, 2004 2:05PM

PHONE NO. :
BROWDY AND NEIMARK

Dec. 22 2004 04:52PM P2
NU. 1845 F. 2

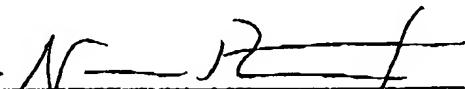
Appl. No. 10/635,905
Supplemental Response dtd. Dec. 22, 2004

2004, to ask that Examiner Pezzlo call us. We were advised that the Examiner had left the Patent Office and the application had been assigned to the Examiner who signed the September 9 Advisory Action. At this point we complained about the quality and determination of the June 1, 2004 final office action and suggested that it did not meet the standards of a 35 U.S.C. §102(b) rejection. We then asked for some assistance on how to proceed further. Examiner Lavinder agreed to review the action based on our comments. He called back on September 20, 2004 and advised that he felt the June 1, 2004 action was over reaching and would therefore send us an interview summary statement to that effect withdrawing the June 1, 2004 action. He further advised that this would result in a new action either allowing the application or setting out a new prior rejection.

Thereafter, Applicant received Examiner Lavinder's September 20, 2004 Interview Summary Statement.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Norman J. Latker
Registration No. 19,963

NJL:ma

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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